

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ELIZABETH DEANA  
MACQUEEN, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DEANA JANE MACQUEEN,

Respondent-Appellant.

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UNPUBLISHED  
September 6, 2007

No. 277623  
Calhoun Circuit Court  
Family Division  
LC No. 2006-000580-NA

Before: Cavanagh, P.J., and Donofrio and Servitto, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err by finding at least one statutory ground for termination of respondent's parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary conditions of adjudication were respondent's mental illness and inability to provide a stable environment for the minor child. Respondent suffers from schizoaffective disorder, bipolar type, and diminished I.Q. These proceedings commenced when respondent was hospitalized after having reported thoughts of shooting or otherwise hurting the minor child. At that time she was experiencing auditory hallucinations directing her to hurt the child. Although respondent's mental health was ameliorated during the course of these proceedings to the point that her hallucinations were largely gone, it was not rectified to a point that would allow respondent to adequately care for the minor child. Dr. Sven Zethelius, a psychiatrist who has treated respondent since she was 15 years old, felt that respondent's I.Q., her illness, and her own experience of significant disruptions in her upbringing were combined factors affecting her parenting ability. This assessment is borne out by the report of Sandra Burdick, who provided one-to-one parenting instruction for respondent, addressing very specific behaviors such as making eye contact and initiating conversation with Elizabeth. Respondent did not make progress after nearly a year of services. The record clearly indicates that respondent's mental illness, and its deleterious effect on her limited intellectual capacity, continues to seriously impair her ability to care for a minor

child, such that it was not clear error for the trial court to find that the conditions of adjudication continued to exist. MCL 712A.19b(3)(c)(i). Furthermore, where Burdick did not anticipate any future progress, and foster care worker Tracy Damron did not believe that there were further services that could be provided to respondent, we perceive no error in the trial court's conclusion that there was no reasonable likelihood that the conditions of adjudication would be rectified within a reasonable time considering the age of the child. *Id.*

Termination of respondent's parental rights pursuant to MCL 712A.19b(3)(g) and (j) was also not clearly erroneous. Evidence that Elizabeth was far behind developmentally when placed in care and progressed significantly after her removal from respondent strongly suggests a failure by respondent to provide proper care and custody. MCL 712A.19b(3)(g). This inference is supported by observations of respondent in visits with Elizabeth, where they would rarely interact, any interaction that did occur was precipitated by the child, and respondent would often stare at the clock. Also, during the course of these proceedings, respondent admitted that she would use physical discipline on the child because she did not know what else to do. The same evidence supporting the conclusion that there was no reasonable likelihood that the conditions of adjudication would be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), equally indicates that there is no reasonable likelihood that respondent will be able to provide proper care and custody for the child within a reasonable time considering her age, MCL 712A.19b(3)(g), and that there is a reasonable likelihood that the child would be harmed if returned to respondent. MCL 712A.19b(3)(j).

Finally, the trial court did not err by finding that termination was not clearly contrary to the best interests of the child. MCL 712A.19b(5). As we have already noted, Elizabeth was far behind developmentally when placed in care, and she made significant progress after her removal from respondent. Burdick reported that Elizabeth felt very safe and secure in her placement with a maternal cousin who indicated that she would be interested in adopting the child. Although the child has a bond with respondent, it was marked by little attention or affection by respondent during visits. The record in this case unequivocally reflects that respondent has severe limitations that impair her ability to adequately care for a minor child and such limitations will continue into the foreseeable future. There was no evidence that the termination of respondent's parental rights was contrary to the best interests of the child.

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Pat M. Donofrio  
/s/ Deborah A. Servitto